REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are currently pending, Claims 1-19 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 29, lines 7-9.

In the outstanding Office Action, the specification was objected to; Claims 15-16 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; and Claims 1-14 and 17-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Okagawa et al. (U.S. Patent No. 6,958,988, hereafter "Okagawa").

With respect to the objection to the specification, Applicants respectfully submit that the amendment to the Abstract, removing the phrase "Representative Drawing: Figure 1" as suggested in the Office Action, overcomes this objection.

With respect to the rejection of Claims 15-16 under 35 U.S.C. §101, Applicants respectfully submit that the amendments to Claims 15-16 overcome this ground of rejection. Claims 15-16 have been amended to recite "[a] computer-readable storage medium encoded with a data structure of a packet for transfer from a source mobile terminal to a destination mobile terminal via a plurality of routers, the data structure is accessible by the plurality of routers in order to route the packet...."

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

> a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, based on the clear language of this section, Claims 15-16 are statutory as they each define a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, Applicants refer the Office to the decision by Board of Appeal and Patent Interferences in *Ex Parte Nuijten*.[1] In *Ex Parte Nuijten*, the Board reversed the Examiner's rejection under 35 U.S.C. §101 that a storage medium storing a signal is non-statutory subject matter. The Board noted that the claim at issue was not trying to claim a signal, and that the storage medium put the claim into "the statutory category of 'manufacture' and that the signal is functional because it can be used by a machine to produce a useful result."

Therefore, Applicants' amended Claims 15-16 are not claiming an abstract data structure. Rather, they are directed toward a storage medium that stores a data structure. Thus, since a claim directed toward a medium storing a signal is statutory, a claim directed toward a medium storing a data structure should be statutory.

Further, Applicants note the decision in *In re Lowry*,[2] in which the Federal Circuit recognized that a medium storing a data structure is statutory, and that the data structure is a physical implementation of the data model's organization of the data.

With respect to the rejection of Claim 1 under 35 U.S.C. 102(e), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

> an instructor configured to instruct a source router connected to a source mobile terminal via a radio circuit and a destination router connected to the destination mobile terminal via a radio circuit to store the first address of the destination mobile terminal associated with the second address of the destination mobile terminal;
>
> wherein the source router comprises:

[1] Appeal Number 2003-0853.
[2] 32 F.3d 1579 (Fed. Cir. 1994).

> an address converter configured to convert the first address of the destination mobile terminal which is included in a packet received from the source mobile terminal as a destination address, to the second address of the destination mobile terminal which is associated with the first address of the destination mobile terminal in the first address memory;
>
> and wherein the destination router comprises:
>
> an address converter configured to convert the second address of the destination mobile terminal which is included in the received packet as a destination address, to the first address of the destination mobile terminal which is associated with the second address of the destination mobile terminal in the second address memory.

Applicants respectfully submit that Okagawa fails to disclose or suggest at least these features of Claim 1.

Figure 1 of Okagawa shows data-delivery server 101, gate node 102, repeater nodes 103-104, edge nodes 105-108, location information server 100, and mobile station 109. Okagawa describes a mobile communications network for transmitting a packet from a data delivery server 101 to a mobile station 109 via a gate node 102 and an edge node 105 (see Figure 1).

In Okagawa, gate node 102 stores the IP address of mobile station 109 that is associated with the IP address of edge node 105 in accordance with an instruction from location information server 100 (see col. 7, lines 38-46 and Figure 2). Gate node 102 adds the IP address of edge node 105 to the packet received from data delivery server 101. In other words, it encapsulates the received packet for mobile station 109 into the packet for the edge node 105 without converting the IP address of mobile station 109 (see col. 7, lines 11-14 and Figure 2). The gate node 102 routes the received packet to edge node 105, which is connected to mobile station 109, in accordance with the added IP address of edge node 105 (see col. 7, lines 14-15 and Figure 2). Edge node 105 deletes the IP address of edge node 105 which was added by gate node 102. In other words, edge node 105 extracts the encapsulated

packed for mobile station 109 without converting an address (see col. 8, lines 3-5 and Figure 2). Edge node 105 transfers the extracted packet to mobile station 109 (see col. 8, lines 6-8 and Figure 2). Location information server 100 manages the IP address of mobile station 109 associated with the IP address of edge node 105, which is supervising the area by the mobile station 109 (see col. 7, lines 4-6). Location information server 100 instructs gate node 102, which acts as a source router, to store the IP address of mobile station 109, but it does not instruct the edge node 105, which acts as a destination router, to store the IP address of mobile station 109 (see col. 7, lines 10-11).

Okagawa describes that gate node 102 ***encapsulates*** the received packet for the mobile station 109 into the packet for the edge node 105. Therefore, in Okagawa, the packet to which the IP address of the edge node 105 is added still includes the IP address of the destination mobile station 109. Thus, unlike the system defined by Claim 1, Okagawa fails to reduce the overhead of a packet caused by encapsulation of the packet.

Therefore, Okagawa fails to disclose or suggest an address converter configured to convert the first address of the destination mobile terminal which is included in a packet received from the source mobile terminal as a destination address, to the second address of the destination mobile terminal which is associated with the first address of the destination mobile terminal in the first address memory, as defined in Claim 1.

Additionally, Okagawa describes that edge node 105 ***extracts*** the encapsulated packet for the mobile station 109. Extracting an encapsulated packet is not the same as converting a second address of the destination mobile terminal to a first address of the destination mobile terminal because the extracted IP address of mobile station 109 was already in the packet received at edge node 105.

Therefore, Okagawa fails to disclose or suggest an address converter configured to convert the second address of the destination mobile terminal which is included in the

received packet as a destination address, to the first address of the destination mobile terminal which is associated with the second address of the destination mobile terminal in the second address memory, as defined in Claim 1.

Furthermore, the Office Action takes the position that the IP address of mobile station 9 corresponds to the claimed first address of the destination mobile station and the address of edge node 105 corresponds to the second address of the destination mobile station (see Office Action, at page 3). However, Okagawa does not describe that location information server 100 instructs the edge node 105 (which acts as a destination router) to store the IP address of mobile station 109, which is associated with the IP address of edge node 105. In Okagawa, edge node 105 extracts the encapsulated packet for mobile station 109, and therefore, it does not need to perform a conversion on the destination address included in the packet based on stored data.

Therefore, Okagawa fails to disclose or suggest an instructor configured to instruct a source router connected to a source mobile terminal via a radio circuit and a destination router connected to the destination mobile terminal via a radio circuit to store the first address of the destination mobile terminal associated with the second address of the destination mobile terminal, as defined by Claim 1.

Thus, it is respectfully submitted that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Okagawa.

Independent Claims 7, 8, 11, 13, and 15-16 recite features similar to those of amended Claim 1. Thus, it is respectfully submitted that Claims 7, 8, 11, 13, and 15-16 (and all associated dependent claims) patentably distinguish over Okagawa.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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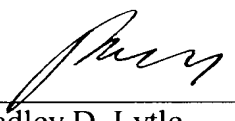

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